

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55044 of 2023

Arising Out of PS. Case No.-471 Year-2022 Thana- GARDANIBAG District- Patna

Nishant Kumar @ Laddu S/O- Late Pramod Singh Mohalla- Siristabad, Sri
Ram Path Ps- Gardanibagh Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 8/20(b)(ii)
(B) of the N.D.P.S. Act.

According to F.I.R., it is a case of recovery of total
155 grams smack like substance from the petitioner. It is further
alleged that the petitioner and other co-accused were
apprehended on the spot and from their possession one
motorcycle was also recovered.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case only on the basis of
suspicion. He has no concern with the alleged recovery nor



vehicle in question belongs to him. The alleged recovery of smack like substance does not come within the purview of commercial quantity as per N.D.P.S. Act. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. It is further submitted that the petitioner has got no criminal antecedent and he is languishing in judicial custody since 19.08.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Gardanibagh P.S. Case No. 471 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV, Patna.

(Sunil Kumar Panwar, J)

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